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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FILED

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CLERK
U.S. DISTRICT COURT
DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCUS ROBERTS,

Defendant.

Criminal Action No. 05-19-UNA

INDICTMENT

The Grand Jury for the District of Delaware charges that:

COUNT I

On or about August 20, 2003, in the State and District of Delaware, Marcus Roberts, defendant herein, did knowingly conspire with "A.T." to commit an offense against the United States, to wit, to knowingly make a false statement in connection with the acquisition of a firearm, to wit, a Ruger, KP89, 9mm pistol, serial number 31521154, from X-Ring Supply in Newark, Delaware, a federally licensed firearms dealer, which statement was intended and likely to deceive X-Ring Supply as to a fact material to the lawfulness of the sale of the firearm, a violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2). In furtherance thereof, the following overt acts, among others, were committed in the District of Delaware:

a) On or about August 20, 2003, "A.T." purchased a Ruger, KP89, 9mm pistol, serial number 31521154 from X-Ring Supply in Newark Delaware for and at the direction of the defendant.

b) On or about August 20, 2003, "A.T." certified on an ATF Form 4473 that he was the actual purchaser of the firearm.

All in violation of Title 18, United States Code, Section 371.

COUNT II

On or about August 20, 2003, in the State and District of Delaware, Marcus Roberts, defendant herein, did knowingly aid and abet and did willfully cause "A.T.," in connection with the acquisition of a firearm, to wit, a Ruger, KP89, 9mm pistol, serial number 31521154, from a federally-licensed firearms dealer, X-Ring Supply in Newark, Delaware, to knowingly make a false statement intended and likely to deceive the federally-licensed dealer with respect to a fact material to the lawfulness of the sale of the firearm, to wit, "A.T." falsely stated that he was the actual purchaser of the firearm, in violation of Title 18, United States Code, Sections 922(a)(6) and 2.

COUNT III

On or about August 20, 2003, in the State and District of Delaware, Marcus Roberts, defendant herein, did knowingly possess in and affecting interstate commerce, a firearm, to wit, a Ruger, KP89, 9mm pistol, serial number 31521154, after having been convicted on or about April 22, 2002, of a crime punishable by a term of imprisonment exceeding one year, in the Superior Court In and For New Castle County, Delaware, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT IV

On or about January 6, 2005, in the State and District of Delaware, Marcus Roberts, defendant herein, did knowingly possess in and affecting interstate commerce, a firearm, to wit, a Cobra, .380 cal. semiautomatic pistol, serial number CP012765, after having been convicted on or

about April 22, 2002, of a crime punishable by a term of imprisonment exceeding one year, in the Superior Court In and For New Castle County, Delaware, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

TRUE BILL:

Foreperson

COLM F. CONNOLLY
United States Attorney

BY:

April M. Byrd
Assistant United States Attorney

Dated: March 10, 2005

[illegible]